

REMARKS/ARGUMENTS

Claims 1-7 and 12-26 are pending in this application. Claims 1, 12-13, and 25-26 are independent claims.

Claim Rejections – 35 USC § 102

Claims 1-2, 7, 12-18, 22, and 25-26 were rejected under 35 U.S.C. § 102(b) as being anticipated by Kusunoki (“Kusunoki”, U.S. Pat. No. 5,324,980). Applicant respectfully traverses these rejections.

Anticipation requires the disclosure in a single prior art reference of each element of the claim under consideration. *W.L. Gore & Assocs. v. Garlock*, 721 F.2d 1540, 220 USPQ 303 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984). Further, “anticipation requires the presence in a single prior art reference disclosure of each and every element of the claimed invention, arranged as in the claim.” *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added).

Independent Claim 1 recites an element of “a semiconductor support substrate supporting a micromechanical sensor element, a logic circuit and a semiconductor visual display element” (emphasis added). In rejecting independent Claim 1, the Patent Office has analogized the layer 904a in FIG. 20A of Kusunoki to the foregoing indicated element (Office Action, page 2). Applicant respectfully disagrees.

As indicated in Kusunoki, the layer 904a is a “low concentration epitaxial” layer (col. 24, ll. 37-38), *not* a semiconductor support substrate. In fact, as indicated in Kusunoki, 900 in FIG. 20A is “a semiconductor substrate” (col. 24, ll. 34-35). Furthermore, even if the epitaxial layer 904a in FIG. 20A of Kusunoki were analogized to a semiconductor support substrate, Kusunoki still fails to teach, disclose or suggest that the epitaxial layer 904a supports “a micromechanical sensor element, a logic circuit and a semiconductor visual display element” (emphasis added) as claimed in Claim 1, since col. 24, ll. 55-57 of Kusunoki only teaches that the epitaxial layer 904 is used as a *base* to form a signal processing circuit 915 on the insulating layer 902 (i.e., the epitaxial layer 904 itself is *changed into* the signal processing circuit 915). The Patent Office is herein respectfully reminded that FIG. 20F of

Kusunoki fails to teach, disclose or suggest either the epitaxial layer 904a or the semiconductor substrate 900 shown in FIG. 20A of Kusunoki. Because Kusunoki fails to teach, disclose, or suggest the element of “a semiconductor support substrate supporting a micromechanical sensor element, a logic circuit and a semiconductor visual display element”, as claimed in Claim 1, the rejection of Claim 1 should be withdrawn, and the Claim 1 should be allowed.

Claims 2, 7 and 22 depend from Claim 1 and are therefore allowable due to their dependence.

Independent Claims 12-13 and 25-26 were essentially rejected based on the same rationale as applied to Claim 1. Since Claim 1 is allowable, Claims 12-13 and 25-26 should also be allowed.

Claims 14-18 depend from Claim 13 and are therefore allowable due to their dependence.

Claim Rejections – 35 USC § 103(a)

Claims 3-6, 19-21, and 23-24 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Kusunoki in view of Holm et al. (“Holm”, U.S. Pat. No. 5,501,990). Applicant respectfully traverses this rejection.

“To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations.” (emphasis added) (MPEP § 2143). If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious. (emphasis added) *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988).

Neither Kusunoki (as indicated in the foregoing *Claim Rejections – 35 USC § 102* section) nor Holm teaches, discloses, or suggests the element of “a semiconductor support substrate supporting a micromechanical sensor element, a logic circuit and a semiconductor visual display element”, as claimed in Claim 1, independent Claim 1 is allowable. Claims 3-6 and 23-24 depend from Claim 1 and are therefore allowable due to their dependence.

Claim 13 is allowable since Claim 1 is allowable and since Claim 13 was essentially rejected based on the same rationale as applied to Claim 1. Claims 19-21 depend from Claim 13 and are therefore allowable due to their dependence.

CONCLUSION

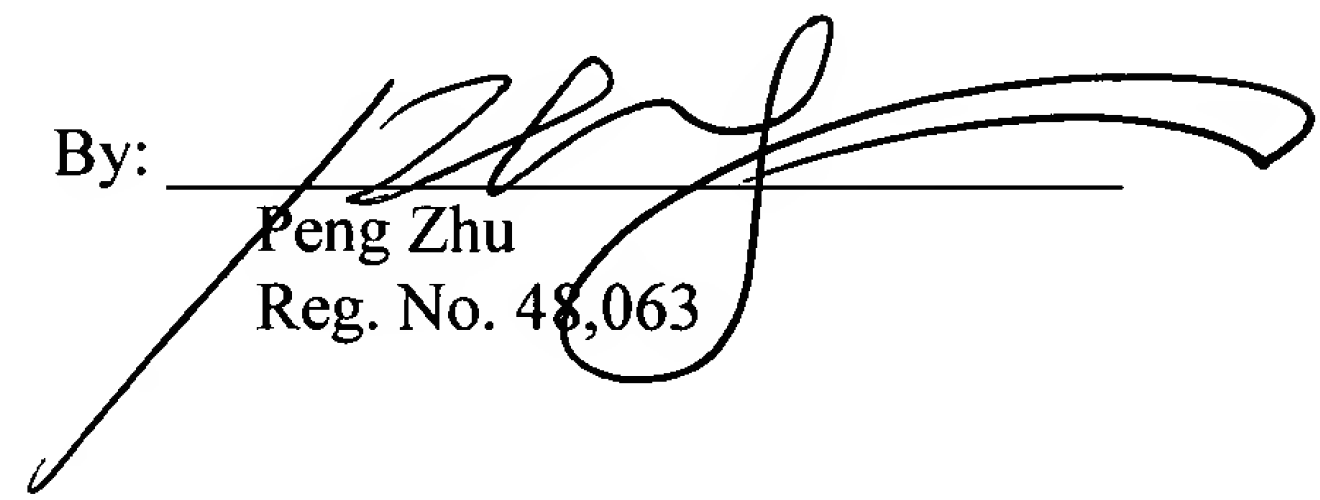
In light of the foregoing, Applicant respectfully requests that a timely Notice of Allowance be issued in the case.

Respectfully submitted on behalf of
Gateway, Inc.,

Dated: May 25, 2004

By: _____

Peng Zhu
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A handwritten signature in black ink, appearing to be 'Peng Zhu', written over a horizontal line. The signature is stylized with a long, sweeping horizontal stroke at the end.

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